

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

August 22, 2005

Misc. Order 2005-007

By the Court:

Associate Justice Rick Sims is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 75, 76, 77, and 78, during the absence of the Presiding Justice from the court on August 26, 2005, or until his return. (See Cal. Const. Art 6, Sec. 3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

At 9:33 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Davis, Associate Justice; Raye, Associate Justice; Robie, Associate Justice; and Rios, bailiff.

C047352 BUSTOS v. NGO

Cause called. Donald W. West argued for appellant. Carl W. Johnson argued and Monte R. Davis, Jr. appeared only for respondent. Cause submitted.

At 10:02 a.m., the court recessed. At 10:05 a.m., the court reconvened with Davis, Associate Justice; Raye, Associate Justice; and Butz, Associate Justice.

C047452 BROWN v. DEPARTMENT OF CORRECTIONS et al.

Cause called. Gaspar Garcia argued for appellant. Davis I. Bass, Deputy Attorney General, argued for respondents. Cause submitted.

At 10:25 a.m., the court recessed. At 10:29 a.m., the court reconvened with Hull, Associate Justice; Robie, Associate Justice and Butz, Associate Justice.

C045753 CORNEJO v. REGENTS OF THE UNIVERSITY OF CALIFORNIA

Cause called. Jesse Ortiz argued for appellant. Rhonda C. Canby argued for respondent. Cause submitted.

At 11:00 a.m., the court recessed until 9:30 a.m., Tuesday, August 23, 2005.

C046749 THE PEOPLE v. NAVARIJO (Not for Publication)

The judgment is affirmed.

NICHOLSON, Acting P.J.

We Concur: Raye, J.
 Hull, J.

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C048540 THE PEOPLE v. MILLAR (Not for Publication)

The cause is remanded with directions...

BUTZ, J.

We Concur: Blease, Acting P.J.

Hull, J.

C049054 THE PEOPLE v. HANSEN (Not for Publication)

The judgment is affirmed.

ROBIE, J.

We Concur: Nicholson, Acting P.J.

Raye, J.

**C048906 In re Z.Z.; PLACER COUNTY HEALTH AND HUMAN SERVICES
ADMINISTRATION v. MONIKA Z. (Not for Publication)**

The order of the juvenile court is affirmed.

ROBIE, J.

We Concur: Nicholson, Acting P.J.

Raye, J.

C047525 and C047786

CITY OF DAVIS V. HEAD, as Trustee, etc., et al.

BY THE COURT:

Appellant's petition for rehearing is denied.

RAYE, J.

C047525 and C047786

CITY OF DAVIS V. HEAD, as Trustee, etc., et al.

BY THE COURT:

Respondent's petition for rehearing is denied.

RAYE, J.

August 23, 2005

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Raye, Associate Justice and Facey, bailiff. Associate Justice Hull was not present.

C043392 ROSS v. RAGINGWIRE TELECOMMUNTICATIONS, INC.

Cause called. Per Presiding Justice Scotland, the matter is continued to August 24, 2005, at 2:00 p.m. Cause continued.

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August 23, 2005, continued

At 9:35 a.m., the court recessed. At 9:40 a.m., the court reconvened with Scotland, Presiding Justice; Robie, Associate Justice and Cantil-Sakauye, Associate Justice.

C049041 JACKSON et al. v. WORKERS' COMPENSATION APPEALS BOARD et al.
Cause called. Deborah A. Whitcomb argued for appellants. Alan R. Canfield argued and Patricia Vellanowsth-Galvez appeared only for respondents. Cause submitted.

C047905 HARTLINE v. KAISER PERMANENTE
Cause called. Morgan C. Smith argued for appellant. Kennedy P. Richardson argued for respondent. Cause submitted.

At 10:40 a.m., the court recessed. At 10:47 a.m., the court reconvened with Nicholson, Associate Justice and Morrison, Associate Justice. Associate Justice Hull was not present.

C046798 WILLIAMS v. MARCUS
Cause called. Theodore W. Phillips argued for appellant. Freda Pechner argued for respondent. Both parties stipulated. Associate Justice Hull will review by tape. Cause submitted.

At 11:22 a.m., the court recessed. At 2:03 p.m., the court reconvened with Scotland, Presiding Justice; Nicholson, Associate Justice; and Morrison, Associate Justice.

C044646 THE PEOPLE v. CLARK
Cause called. Mark Greenberg, court appointed counsel, argued for appellant. Maureen A. Daly, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:25 p.m., the court recessed. At 2:28 p.m., the court reconvened with Scotland, Presiding Justice and Butz, Associate Justice. Associate Justice Hull was not present.

C043308 THE PEOPLE v. YENG LEE
C043992 THE PEOPLE v. KOU LEE
Cause called. Richard A. Levy, court appointed counsel, argued for appellant Kou Lee. Sharon Wrubel, court appointed counsel for Yang Lee did not request argument. Carlos A. Martinez, Deputy Attorney General, argued for respondent. Both parties stipulated. Associate Justice Hull will review by tape. Cause submitted

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The judgment is affirmed.
Hull, J.
We Concur: Davis, Acting P.J.
Raye, J.

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August 23, 2005, continued

- C046987 THE PEOPLE v. WHITE (Not for Publication)**
The judgment is affirmed...
HULL, J.
We Concur: Scotland, P.J.
Raye, J.
- C047766 THE PEOPLE v. MATSON (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We Concur: Davis, Acting P.J.
Nicholson, J.
- C044535 SINGH v. LIPWORTH et al. (CERTIFIED FOR PUBLICATION)**
The order of dismissal is affirmed. (*CERTIFIED FOR PUBLICATION*)
Davis, Acting P.J.
We Concur: Hull, J.
Robie, J.
- C047801 In re T.T.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. O.T. et al. (Not for Publication)**
The orders terminating parental rights are reversed...
DAVIS, J.
We Concur: Sims, Acting P.J.
Morrison, J.

August 23, 2005, continued

- C047850 In re G.M.; DEPARTMENT OF HEALTH & HUMAN SERVICES v. SUZANNE
R., As Guardian ad litem, etc. (Not for Publication)**
The orders of the juvenile court are affirmed.
Blease, Acting P.J.
We Concur: Hull, J.
Butz, J.

August 24, 2005

At 9:34 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Raye, Associate Justice; Cantil-Sakauye, Associate Justice and Guzman, bailiff.

- C048400 THE PEOPLE v. LEONARD**
Cause called. Reporter Kimberly Goldsberry appeared. Matter continued to Monday, September 19, 2005 at 9:30 a.m.

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C048943 THE PEOPLE v. KARSAI

Cause called. Reporter Kimberly Goldsberry appeared. Matter continued to Monday, September 19, 2005 at 9:30 a.m.

C049164 THE PEOPLE v. JONES

Cause called. Reporter Kimberly Goldsberry appeared. Matter continued to Monday, September 19, 2005 at 9:30 a.m.

At 9:49 a.m., the court recessed. At 2:02 p.m., the court reconvened with Scotland, Presiding Justice; Raye, Associate Justice; and Hull, Associate Justice.

C043392 ROSS v. RAGINGWIRE TELECOMMUNICATIONS, INC.

Cause called. Stewart Katz argued for appellant. D. Gregory Valenza argued for respondent. Cause submitted.

At 2:46 p.m., the court recessed until Thursday, August 25, 2005 at 9:30 a.m.

August 25, 2005

At 9:33 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Nicholson, Associate Justice; Robie, Associate Justice and Rios, bailiff.

C046144 ALFORD v. DANGLER

Cause called. Thomas T. Alford, argued In Pro Per as appellant. Douglas Broomell argued for respondent. Cause submitted.

At 9:46 a.m., the court recessed until 9:30 a.m., Friday, August 26, 2005.

C046032 THE PEOPLE v. DELHORNO (Not for Publication)

The judgment of conviction is affirmed...

HULL, J.

We Concur: Davis, Acting P.J.
Nicholson, J.

August 26, 2005

At 9:32 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Davis, Associate Justice; Cantil-Sakauye, Associate Justice and Guzman, bailiff.

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**C049042 PETRINI VAN & STORAGE, INC. v. THE SUPERIOR COURT OF
SACRAMENTO COUNTY and MUNOZ**

Cause called. Stephen C. Tedesco argued and Kimberly Owens appeared only for appellant. Matthew J. Gauger argued for real party in interest. Cause submitted.

**C047771 A.J. a Minor, etc., et al. v. MARYSVILLE JOINT UNIFIED SCHOOL DISTRICT
et al. and S.D. a Minor, etc., et al. v. MARYSVILLE JOINT UNIFIED SCHOOL
DISTRICT et al. and J.E., a Minor, etc. et al. v. MARYSVILLE JOINT UNIFIED
SCHOOL DISTRICT**

Cause called. Michael J. Trezza argued for appellants J.E., T.P. & R.T. Jesse I. Santana argued for appellants A.J., M.D., S.D., & J.D. Lynn A. Garcia argued for respondents. Cause submitted.

At 11:02 a.m., the court recessed. At 11:08 a.m., the court reconvened with Sims, Associate Justice; Robie, Associate Justice and Cantil-Sakauye, Associate Justice.

**C044480 THE PEOPLE v. WOODCOX
C046709 THE PEOPLE v. WOODCOX**

Cause called. Gail Harper, court appointed counsel, argued for appellant. Raymond L. Brosterhous II, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:39 a.m., the court recessed. At 11:43 a.m., the court reconvened with Morrison, Associate Justice; Hull, Associate Justice and Robie, Associate Justice.

C047266 COUNTY OF SAN JOAQUIN v. KEKULAWELA and ARCHIBEQUE

Cause called. Anthony Kekulawela argued In Pro Per as appellant. Sylvia Archibeque argued In Pro Per as respondent. Linda Mireya Gonzalez, Deputy Attorney General, argued for respondent, County of San Joaquin. Cause submitted.

At 12:01 p.m., the court recessed. At 2:01 p.m., the court reconvened with Sims, Associate Justice; Davis, Associate Justice; and Cantil-Sakauye, Associate Justice.

C046570 SAN JOAQUIN REGIONAL TRANSIT DISTRICT v. VUONG et al.

Cause called. Steven P. Belzer argued for appellants. Thomas H. Keeling, J.D., PhD. argued and Coren D. Wong appeared only for respondent. Cause submitted.

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At 2:33 p.m., the court recessed. At 2:39 p.m., the court reconvened with Sims, Associate Justice; Nicholson, Associate Justice; and Morrison, Associate Justice.

C044099 THE PEOPLE v. GIFFORD

Cause called. Geri Lynn Green argued for appellant. Lee E. Seale, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:06 p.m., the court recessed. At 3:09 p.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Hull, Associate Justice.

C046512 THE PEOPLE v. VINCELLI

Cause called. William A. Welch argued for appellant. Maggy Krell, Deputy Attorney General, argued for respondent. Cause submitted.

C047458 THE PEOPLE v. SMITH

Cause called. Michael P. Farrell, Deputy Attorney General, argued for appellant. Rudolph Kraft, court appointed counsel, argued for respondent. Cause submitted.

At 3:57 p.m., the court recessed. At 4:03 p.m., the court reconvened with Sims, Associate Justice; Robie, Associate Justice; and Cantil-Sakauye, Associate Justice.

C047208 THE PEOPLE v. NANCE

Cause called. Kelly Babineau argued for appellant. Mark A. Johnson, Deputy Attorney General, argued for respondent. Cause submitted.

At 4:23 p.m., the court recessed until 9:30 a.m., Monday, August 29, 2005.

C045298 THE PEOPLE v. MOMEYER et al. (Not for Publication)

The judgments are affirmed.
Morrison, J.
We Concur: Sims, Acting P.J.
Butz, J.

C045817 THE PEOPLE v. CROSS (Not for Publication)

The judgment is affirmed.
Morrison, J.
We Concur: Nicholson, Acting P.J.
Raye, J.

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- C048244 THE PEOPLE v. BETANCOURT (Not for Publication)**
The finding that defendant's prior conviction for negligent discharge of a firearm in San Joaquin Superior Court case No. LF006954A constituted a serious felony within the meaning of the three strikes law and section 667, subdivision (a) (1) is reversed... In all other respects, the judgment is affirmed.
RAYE, J.
We Concur: Scotland, P.J.
Hull, J.
- C048580 THE PEOPLE v. RAMIREZ (Not for Publication)**
The judgment is affirmed.
RAYE, J.
We Concur: Nicholson, Acting P.J.
Robie, J.
- C045043 JOHAL et al. v. SEARS, ROEBUCK & COMPANY et al. (Not for Publication)**
The judgment is modified... In all other respects, the judgment is affirmed.
Appellants shall recover costs on appeal.
BLEASE, Acting P.J.
We Concur: Nicholson, J.
Robie, J.
- C047650 ALLEN, as Executor, etc. v. WELCH-BROWN (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We Concur: Sims, Acting P.J.
Butz, J.
- C047381 LICCIARDELLO v. FOWLER et al. (Not for Publication)**
The order denying plaintiff's motion for relief under section 473(b) is reversed...
BUTZ, J.
We Concur: Morrison, Acting P.J.
Robie, J.

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August 26, 2005, continued

We Concur: Sims, J.
 Hull, J.

We Concur: Robie, J.
Butz, J.